

Serial No. 10/015,419

Attorney Docket No. EN11348

REMARKS/ARGUMENTS

Claims 1 through 10 remain in this application. Claim 10 has been allowed. Claims 1, 2 and 4 through 6 have been amended.

Claims 2 and 3 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In response, claim 2 has been amended to replace the ambiguous language, as indicated above. Reconsideration and withdrawal of the 35 U.S.C. §112, second paragraph, rejection of claims 2 and 3 are respectfully requested.

Claims 1 through 8 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 4,164,714 to Swanson ("Swanson patent"). Claim 9 is objected to as being dependent upon a rejected claim base.

Claim 1 provides an audio detection circuit for overcoming cellular transient noise of a wireless communication device comprising *inter alia*, a circuit capable of converting the audio signal to a pulse train having a frequency that varies with a frequency of the audio signal, and an amplification circuit coupled to the circuit capable of converting the audio signal to a pulse train, wherein the amplification circuit is actuated when the pulse train has a frequency above a predetermined threshold. Claim 4 provides an audio detection circuit for overcoming cellular transient noise of a wireless communication device comprising *inter alia*, a means of comparing the audio signal to a threshold signal, wherein the means of comparing generates a pulse train

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having a frequency that varies with the audio signal, and a means for amplifying the audio signal, the means for amplifying having an enable input wherein the enable input of the amplifying means is actuated when the audio signal has a frequency component above a predetermined frequency threshold. In contrast, the Swanson patent describes converting a signal to pulse trains of like polarity and frequency, but differing in phase from one another by a fixed amount, with the pulses of each pulse train having a characteristic which varies in a like manner with variations in the input signal. The Swanson patent is directed to a relationship between the input signal frequency and pulse width duration (at a fixed frequency), whereas claims 1 and 4, of the present application, are directed to a relationship between the input signal frequency and a pulse frequency. The pulses in the Swanson patent vary in duration, not frequency as required by claims 1 and 4. Therefore, claims 1 and 4 as amended distinguish patentably from the Swanson patent.

The learned Examiner states in the Office Action that "enabling and disabling of an amplifier in response to a pulse train having a frequency above a predetermined threshold was well known." In response, it is submitted that enabling and disabling of an amplifier in response to a pulse train having a frequency above a predetermined threshold is not known for the particular problem of overcoming cellular transient noise of a wireless communication device, which is addressed by the present application. Claims 1 and 4 as amended provide, *inter alia*, an audio detection circuit for overcoming cellular transient noise of a wireless communication device wherein the enable input of the amplifying means is actuated when the audio signal has a frequency component above a predetermined frequency threshold, as required by amended claims

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1 and 4. The Swanson patent makes no reference to an audio detection circuit for overcoming cellular transient noise of a wireless communication device wherein the enable input of the amplifying means is actuated when the audio signal has a frequency component above a predetermined frequency threshold. Therefore, claims 1 and 4 as amended further distinguish patentably from the Swanson patent.

Claims 2, 3, 6 through 9 depend from and include all limitations of independent claims 1 and 4. Therefore, claims 2, 3, 6 through 9 distinguish patentably from the Swanson patent for the reasons stated above for independent claims 1 and 4.

Claim 5 is hereby rewritten in independent form and provides an audio detection circuit comprising, *inter alia*, a delay circuit coupled to an enable input of a means for amplifying an audio signal, wherein the enable input of the amplifying means is actuated when the audio signal has a frequency component above a predetermined frequency threshold. In contrast, the Swanson patent describes a pulse duration modulation (PDM) amplifier for use in modulating stages of RF transmitters. It does not describe or suggest a delay circuit coupled to the enable input of a means for amplifying an audio signal, wherein the enable input of the amplifying means is actuated when the audio signal has a frequency component above a predetermined frequency threshold, as required by amended claim 5. Therefore, claim 5 as amended distinguishes patentably from the Swanson patent.

In view of the above, reconsideration and withdrawal of the 35 U.S.C. §103(a) rejection of claims 1 through 8 and the objection to claim 9 are respectfully requested.

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No amendment made was related to the statutory requirements of patentability unless expressly stated herein. Also, no amendment made was for the purpose of narrowing the scope of any claim, unless Applicant has argued herein that such amendment was made to distinguish over a particular reference or combination of references.

The Commissioner is hereby authorized to deduct any additional fees arising as a result of this response, including any fees for Extensions of Time, or any other communication from or to credit any overpayments to Deposit Account No. 50-2117.

It is submitted that the claims clearly define the invention, are supported by the specification and drawings, and are in a condition for allowance. Applicant respectfully requests that a timely Notice of Allowance be issued in this case. Should the Examiner have any questions or concerns that may expedite prosecution of the present application, the Examiner is encouraged to telephone the undersigned.

Respectfully submitted,
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